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10/751,011	12/31/2003	Maria Theresa Barnes Leon	O1C0096US	5515

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EXAMINER	
CHUMPITAZ, BOB R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/751,011	LEON ET AL.	
	Examiner	Art Unit	
	BOB CHUMPITAZ	4115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☒ Claim(s) *2 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is a Non-Final Office Action in response to application filed December 31, 2003. Claims 1-24, as originally filed are presented for examination on the merits.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: “A method in a computing system for managing employee data".

Claim Objections

Claims 2 and 19 are objected to because of the following informalities:

As per claim 2, recites: “creating a new employee position record”. It is unclear if applicant intended to leave out “management” before “record”. Appropriate correction is required.

As per claim 19, recites: “which include other elements”. It is unclear and indefinite to what applicant intends to include as the “other elements”. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 19, it is directed to a "data structure" which is nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. See MPEP 2106.01. Therefore, claim 19 is rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter.

As per claims 20-24, they depend from claim 19 and do not cure the deficiencies set forth above. Therefore, claims 20-24 are rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter, also.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habichler et al. US 2007/0203710 A1 (hereafter referred as Habichler) in view of Peterson (US 7,099,350 B2).

As per claim 1, Habichler does not explicitly disclose a method in a computing system for managing employee data, the method comprising:

extracting employee position management information in a first form that is associated with a first source computerized employee position management system (**Habichler:** ¶ [0002 track employee information such as work positions…managing of interactions between the organization and other parts of the enterprise; see Fig. 1 and Fig. 6C and associated text]; see also, ¶ [0027 an organization member can specify a starting position type and a target future position type, and the facility can identify one or more possible career paths that lead from the starting position type to the target future position type (e.g., through one or more intermediate position types); see also, ¶ [0028, 0032 a computing system…data exchange layer]; see also, ¶ [0035 database is designed to store various data such as users' and customers' data; see also, ¶ [0079, 0080 first work position type];

converting the employee position management information in the first form into employee position management information that is in a second intermediate form (**Habichler:** ¶ [0024 changes in skill/proficiency level]; see also, ¶ [0038-0041 importing and exporting data...rules for transferring data; see also, ¶ [0083 employee first attained basic skill level....receive a validation approval....once completing an internal project employee progress to a intermediate level]); and

converting the employee position management information in the second intermediate form into employee position management information in a target form that corresponds to a target computerized employee position management system (**Habichler:** ¶ [0024 track competency changes...rank members based on skill level]; see also, ¶ [0028, 0032 a computing system…data exchange layer]; see also, ¶ [0095 the system assists employee in developing an action plan to manage future career target work position type]).

However, Peterson teaches a method for transferring information between first and second systems with dissimilar first and second database structures (col. 3, lines 15-29 method includes the step of first extracting data from the first system and then routing the extracted data from the first system to a first conversion server….at the first conversion server data is converted from a format compatible with the first database structure to an intermediate format….the intermediate format is then routed to a second conversion server….at the second conversion server data is converted from the intermediate format to a format compatible with the second database structure….the data converted at the second conversion server is then stored in the second system).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the competency and learning management (CLM) system facility of Habichler to include the method for transferring information as taught by Peterson in order to provide a system architecture which allows for transmitting data in a data processing system efficiently and cost effectively.

As per claim 2, Habichler and Peterson disclose claim 1 as rejected above wherein Habichler does not explicitly disclose using the employee position management information in the target form to perform at least one computer-implemented act from a set of computer-implemented acts comprising (**Habichler:** ¶ [0085, 0088, 0093-0095, 0110 target competency....source field...including required skill, performance or goal, explicit recommendations personal interest…target work position type…system determines the possible career paths from the work position type to the target position type and displays the paths…system assists employee in developing an action plan to be qualified for the target position type….organization client computers may perform such interactions with the system via a web browser...accessing employee relationship management]):

creating a new employee position record in the target computerized employee position management system (**Habichler:** ¶ [0109 employee information is stored in databases…..administrator may define appropriate competency information of each new employee…assign competency information when they are created or modified….changes to information can be automatically tracked by the competency and learning system (CLM)….competency information can be automatically generated based on aggregation of competency information for employees); and

updating an existing employee position management record in the target computerized employee position management system (**Habichler:** ¶ [0025, 0121, 0124-0125 facility automatically update competency information….employee competency manager routine…receives indications of modifications to competency-related

information for employees, and updates the competency information as appropriate]; see also, Fig. 13 and associated text).

Peterson further teaches the operation of actually exporting the data from the transaction table…all of the flow charts from the start of the transaction to the end of a transaction are associated with a predetermined transaction extent, which is a sequence of instructions or codes that are downloaded to the particular node to allow the node to conduct its portion of the transaction in the predetermined manner defined by the transaction profile that is distributed throughout the system (col. 17, lines 17-32 flow chart depicting the operations; see also, col. 20, lines 9-45 constitutes an instruction that is generated at one processing node for transfer to the second processing node that defines the processes that are to be carried out…a router may handle a transaction packet a number of times in order to effect transfer to one or more conversion servers, effect transfer to an ID server, etc.; see also, col. 21, line 61 - col. 22, line 18 transaction packet carries a channel ID and receives intermediate instructions to indicate what processes in the transaction are to be carried out; see also, col. 29, lines 11-34 device creates new packets; see also, col. 44, lines 26-59 process generator…code generator).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the employee management system of Habichler to include the process operations as taught by Peterson in order to effectively transmit amounts of data between system components and provide a mechanism that can transform data packets from one format to another data format more efficiently.

As per claim 3, Habichler and Peterson disclose claim 1 as rejected above wherein Habichler does not explicitly disclose extracting employee position management information in a third form that is associated with a second source computerized employee position management system that is distinct from the first source computerized employee position management system (**Habichler:** ¶ [0002 track employee information such as work positions…managing of interactions between the organization and other parts of the enterprise; see Fig. 1 and Fig. 6C and associated text]; see also, ¶ [0027 an organization member can specify a starting position type and a target future position type, and the facility can identify one or more possible career paths that lead from the starting position type to the target future position type (e.g., through one or more intermediate position types); see also, ¶ [0028, 0032 a computing system…data exchange layer]; see also, ¶ [0035 database is designed to store various data such as users' and customers' data; see also, ¶ [0079, 0080 first work position type);

converting the employee position management information in the third form into employee position management information that is in the second intermediate form (**Habichler:** ¶ [0024 changes in skill/proficiency level]; see also, ¶ [0038-0041 importing and exporting data...rules for transferring data; see also, ¶ [0083 employee first attained basic skill level....receive a validation approval....once completing an internal project employee progress to a intermediate level]);

converting the employee position management information in the second intermediate form into employee position management information in the target form

(**Habichler:** ¶ [0024 track competency changes...rank members based on skill level]; see also, ¶ [0095 the system assists employee in developing an action plan to manage future career target work position type); and

Peterson further teaches a third system comprising a router which is interfaced with a local network that is associated with three transaction nodes, where each transaction node is associated with a system, and a method for transferring information between first and second systems with dissimilar first and second database structures (col. 3, lines 15-29 method includes the step of first extracting data from the first system and then routing the extracted data from the first system to a first conversion server….at the first conversion server data is converted from a format compatible with the first database structure to an intermediate format….the intermediate format is then routed to a second conversion server….at the second conversion server data is converted from the intermediate format to a format compatible with the second database structure….the data converted at the second conversion server is then stored in the second system; see also, col. 6, lines 20-31 third system; see also, col. 17, lines 17-32 the flow charts from the start of the transaction to the end of a transaction are associated with a predetermined transaction extent…this extent is a sequence of instructions or codes that are downloaded to the particular node to allow the node to conduct its portion of the transaction in the predetermined manner defined by the transaction profile that is distributed throughout the system; see also, col. 23, line 56 - col. 24, line 3 transaction packet is created and routed to the conversion server; see also, col. 30, lines 23-49

employee number associated with an employee...each type of data would be reflected in a different format in each database).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the competency and learning management (CLM) system facility of Habichler to include the method for transferring information as taught by Peterson in order to provide a system architecture which allows for transmitting data in a data processing system efficiently and cost effectively.

Habichler further discloses using the employee position management information in the target form to perform at least one computer-implemented act from a set of computer-implemented acts comprising (¶ [0085, 0088, 0093-0095, 0110 target competency....source field...including required skill, performance or goal, explicit recommendations personal interest…target work position type…system determines the possible career paths from the work position type to the target position type and displays the paths…system assists employee in developing an action plan to be qualified for the target position type….organization client computers may perform such interactions with the system via a web browser...accessing employee relationship management):

Habichler further discloses creating a new employee position management record in the target computerized employee position management system (¶ [0109 employee information is stored in databases…..administrator may define appropriate competency information of each new employee…assign competency information when they are created or modified….changes to information can be automatically tracked by

the competency and learning system (CLM)....competency information can be automatically generated based on aggregation of competency information for employees); and

Habichler further discloses updating an existing employee position management record in the target computerized employee position management system (¶ [0025, 0121, 0124-0125 facility automatically update competency information....employee competency manager routine...receives indications of modifications to competency-related information for employees, and updates the competency information as appropriate....routine]; see also, Fig. 13 and associated text).

As per claim 4, Habichler and Peterson disclose claim 3 as rejected above but Habichler does not explicitly disclose wherein the second intermediate form includes a list of employee positions element for defining a hierarchy of data elements, wherein the hierarchy of data elements includes a plurality of employee position elements, which include other elements.

Habichler discloses a data structure may be structured in different manners such as by having a single data structure split into multiple data structures or by having multiple data structures consolidated into a single data structure (¶ [0031, 0036, 0077, 0101, 0116, 0140, 0147 data structure or tables in which data are stored....data structure for association applets....various tables included in the database are logically organized into data tables, interface tables, repository tables, etc....some or all of the system components or data structures may also be stored on a computer-readable medium, such as a hard disk, a memory, a network, or a portable article to be read by

an appropriate drive…the routine creates a list of learning activity recommendations…competencies are shown for the selected work position type with each entry providing information about the position of that competency in the defined competency hierarchy as well as a corresponding criticality of the competency for the work position type; see also, claim 1: managing a plurality of career paths for employees]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data structure as taught by Habichler to include a list of employee positions elements in order to ensure that all employee elements would be listed and it would be beneficial to track a variety of information for individuals such as members of organizations, and to use such information to provide various benefits to the individuals and/or organizations.

As per claim 5, Habichler further discloses wherein each of the plurality of employee position elements includes one or more elements selected from a group comprising:

a position identifier (¶ [0026-0027 target competencies for members of an organization are identified based on information specified by appropriate other members of the organization…organization member can specify a starting position type and a target future position type...facility can identify other position types to consider]);

a position base data element (¶ [0114 employees can interact with the learning activity scheduler component to identify, schedule and participate in available learning activities from a learning activity server computers]);

a position related division element (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")]);

a position related organization element (¶ [0002 business organizations will typically track payroll-related information about employees (e.g., their salaries and Social Security Numbers), and may also track other work-related information for at least some employees (e.g., their current work positions and various biographical information such as accomplishments and degrees); see also, ¶ [0075organization may have a variety of work position types]);

a related parent position element (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")]); and

a position custom data element (¶ [0076 interactive controls allow the user to add new work position types or to edit existing ones]).

As per claim 6, Habichler further discloses wherein the position base data element includes one or more elements selected from a group comprising:

a position description element (¶ [0131 various details about one or more work position types along the career path (e.g., a job description, a salary range, a comparison to actual or example employees that are currently in that work position type, etc.); identifying additional work position types that are not along the determined career path but in which the employee may have an interest (e.g., based on current or planned competencies of the employee qualifying them for those work positions); etc.]); and

a position name element (¶ [0131 various details about one or more work position types along the career path (e.g., a job description, a salary range, a comparison to actual or example employees that are currently in that work position type, etc.); identifying additional work position types that are not along the determined career path but in which the employee may have an interest (e.g., based on current or planned competencies of the employee qualifying them for those work positions); etc.]).

As per claim 7, Habichler further discloses wherein the position related division element includes a position related division identifier (¶ [0027, 0073, 0076, 0095, 0143-0144 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")...the organization has the unique identifier with work position being of a defined work position type to the organization]).

As per claim 8, Habichler further discloses wherein the position related organization element includes a position related organization identifier (¶ [0027, 0073, 0076, 0095, 0143-0144 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer").....the organization has the unique identifier with work position being of a defined work position type to the organization]).

As per claim 9, Habichler further discloses wherein the related parent position element includes a related parent position identifier (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")]).

As per claim 10, Habichler does not explicitly disclose a computer-readable medium carrying one or more sequences of instructions for managing employee data, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform:

extracting employee position management information in a first form that is associated with a first source computerized employee position management system

(**Habichler:** ¶ [0108 the resulting work position type networks are stored in a database on storage]; see also, ¶ [0116-0117 items are stored in memory or on storage, these items are transferred between memory and other storage devices for purposes of memory management and data integrity…the system components or data structures may also be stored (e.g., as instructions or structured data) on a computer-readable medium, such as a hard disk, a memory, a network, or a portable article to be read by an appropriate drive…system components and data structures can also be transmitted as generated data signals]; see also, Fig. 1 and Fig. 6C and associated text).

converting the employee position management information in the first form into employee position management information that is in a second intermediate form (**Habichler:** ¶ [0024 changes in skill/proficiency level]; see also, ¶ [0038-0041 importing and exporting data...rules for transferring data]; see also, ¶ [0083 employee first attained basic skill level....receive a validation approval....once completing an internal project employee progress to a intermediate level]; see also, pg. 18, claim 55 computer-readable medium is a data transmission medium transmitting a generated data signal containing the contents); and

converting the employee position management information in the second intermediate form into employee position management information in a target form that corresponds to a target computerized employee position management system (**Habichler:** ¶ [0024 track competency changes...rank members based on skill level]; see also, ¶ [0049 through synchronization, the modifications from the local database and the server database can be exchanged]; see also, ¶ [0095 the system assists

employee in developing an action plan to manage future career target work position type]; see also, pg. 18, claim 55 computer-readable medium is a data transmission medium transmitting a generated data signal containing the contents).

Peterson teaches a method for transferring information between first and second systems with dissimilar first and second database structures (col. 3, lines 15-29 method includes the step of first extracting data from the first system and then routing the extracted data from the first system to a first conversion server....at the first conversion server data is converted from a format compatible with the first database structure to an intermediate format....the intermediate format is then routed to a second conversion server....at the second conversion server data is converted from the intermediate format to a format compatible with the second database structure....the data converted at the second conversion server is then stored in the second system; see also, col. 17, lines 17-32 the flow charts from the start of the transaction to the end of a transaction are associated with a predetermined transaction extent...this extent is a sequence of instructions or codes that are downloaded to the particular node to allow the node to conduct its portion of the transaction in the predetermined manner defined by the transaction profile that is distributed throughout the system; see also, col. 23, line 56 - col. 24, line 3 transaction packet is created and routed to the conversion server; see also, col. 30, lines 23-49 employee number associated with an employee...each type of data would be reflected in a different format in each database).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the competency and learning management (CLM) system

facility of Habichler to include the method for transferring information as taught by Peterson in order to provide a system architecture which allows for transmitting data in a data processing system efficiently and cost effectively.

As per claim 11, Habichler and Peterson disclose claim 10 as rejected above but Habichler does not explicitly disclose using the employee position management information in the target form to perform at least one computer-implemented act from a set of computer-implemented acts comprising (**Habichler:** ¶ [0085, 0088, 0093-0095, 0110 target competency....source field...including required skill, performance or goal, explicit recommendations personal interest…target work position type…system determines the possible career paths from the work position type to the target position type and displays the paths…system assists employee in developing an action plan to be qualified for the target position type….organization client computers may perform such interactions with the system via a web browser...accessing employee relationship management]):

creating a new employee position record in the target computerized employee position management system (**Habichler:** ¶ [0109 employee information is stored in databases…..administrator may define appropriate competency information of each new employee…assign competency information when they are created or modified….changes to information can be automatically tracked by the competency and learning system (CLM)….competency information can be automatically generated based on aggregation of competency information for employees); and

updating an existing employee position management record in the target computerized employee position management system (**Habichler:** ¶ [0025, 0121, 0124-0125 facility automatically update competency information….employee competency manager routine…receives indications of modifications to competency-related information for employees, and updates the competency information as appropriate]; see also, Fig. 13 and associated text).

Peterson further teaches the operation of actually exporting the data from the transaction table…all of the flow charts from the start of the transaction to the end of a transaction are associated with a predetermined transaction extent, which is a sequence of instructions or codes that are downloaded to the particular node to allow the node to conduct its portion of the transaction in the predetermined manner defined by the transaction profile that is distributed throughout the system (col. 17, lines 17-32 flow chart depicting the operations; see also, col. 20, lines 9-45 constitutes an instruction that is generated at one processing node for transfer to the second processing node that defines the processes that are to be carried out…a router may handle a transaction packet a number of times in order to effect transfer to one or more conversion servers, effect transfer to an ID server, etc.; see also, col. 21, line 61 - col. 22, line 18 transaction packet carries a channel ID and receives intermediate instructions to indicate what processes in the transaction are to be carried out; see also, col. 29, lines 11-34 device creates new packets; see also, col. 44, lines 26-59 process generator…code generator).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the employee management system of Habichler to include the process operations as taught by Peterson in order to effectively transmit amounts of data between system components and provide a mechanism that can transform data packets from one format to another data format more efficiently.

As per claim 12, Habichler and Peterson disclose claim 10 as rejected above but Habichler does not explicitly disclose extracting employee position management information in a third form that is associated with a second source computerized employee position management system that is distinct from the first source computerized employee position management system (**Habichler:** ¶ [0002 track employee information such as work positions…managing of interactions between the organization and other parts of the enterprise; see Fig. 1 and Fig. 6C and associated text]; see also, ¶ [0027 an organization member can specify a starting position type and a target future position type, and the facility can identify one or more possible career paths that lead from the starting position type to the target future position type (e.g., through one or more intermediate position types); see also, ¶ [0028, 0032 a computing system…data exchange layer]; see also, ¶ [0035 database is designed to store various data such as users' and customers' data; see also, ¶ [0079, 0080 first work position type);

converting the employee position management information in the third form into employee position management information that is in the second intermediate form (**Habichler:** ¶ [0024 changes in skill/proficiency level]; see also, ¶ [0038-0041 importing

and exporting data...rules for transferring data; see also, ¶ [0083 employee first attained basic skill level....receive a validation approval....once completing an internal project employee progress to a intermediate level]);

converting the employee position management information in the second intermediate form into employee position management information in the target form (**Habichler:** ¶ [0024 track competency changes...rank members based on skill level]; see also, ¶ [0095 the system assists employee in developing an action plan to manage future career target work position type); and

Peterson teaches a third system comprising a router which is interfaced with a local network that is associated with three transaction nodes, where each transaction node is associated with a system, and a method for transferring information between first and second systems with dissimilar first and second database structures (col. 3, lines 15-29 method includes the step of first extracting data from the first system and then routing the extracted data from the first system to a first conversion server….at the first conversion server data is converted from a format compatible with the first database structure to an intermediate format….the intermediate format is then routed to a second conversion server….at the second conversion server data is converted from the intermediate format to a format compatible with the second database structure….the data converted at the second conversion server is then stored in the second system; see also, col. 6, lines 20-31 third system; see also, col. 17, lines 17-32 the flow charts from the start of the transaction to the end of a transaction are associated with a predetermined transaction extent…this extent is a sequence of instructions or codes

that are downloaded to the particular node to allow the node to conduct its portion of the transaction in the predetermined manner defined by the transaction profile that is distributed throughout the system; see also, col. 23, line 56 - col. 24, line 3 transaction packet is created and routed to the conversion server; see also, col. 30, lines 23-49 employee number associated with an employee...each type of data would be reflected in a different format in each database).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the competency and learning management (CLM) system facility of Habichler to include the method for transferring information as taught by Peterson in order to provide a system architecture which allows for transmitting data in a data processing system efficiently and cost effectively.

Habichler further discloses using the employee position management information in the target form to perform at least one computer-implemented act from a set of computer-implemented acts comprising (¶ [0085, 0088, 0093-0095, 0110 target competency....source field...including required skill, performance or goal, explicit recommendations personal interest...target work position type...system determines the possible career paths from the work position type to the target position type and displays the paths...system assists employee in developing an action plan to be qualified for the target position type....organization client computers may perform such interactions with the system via a web browser...accessing employee relationship management):

Habichler further discloses creating a new employee position management record in the target computerized employee position management system (¶ [0109 employee information is stored in databases.....administrator may define appropriate competency information of each new employee...assign competency information when they are created or modified....changes to information can be automatically tracked by the competency and learning system (CLM)....competency information can be automatically generated based on aggregation of competency information for employees); and

Habichler further discloses updating an existing employee position management record in the target computerized employee position management system (¶ [0025, 0121, 0124-0125 facility automatically update competency information....employee competency manager routine...receives indications of modifications to competency-related information for employees, and updates the competency information as appropriate....routine]; see also, Fig. 13 and associated text).

As per claim 13, Habichler and Peterson disclose claim 10 as rejected above but Habichler does not explicitly disclose wherein the second intermediate form includes a list of employee positions element for defining a hierarchy of data elements, wherein the hierarchy of data elements includes a plurality of employee position elements, which include other elements.

Habichler discloses a data structure may be structured in different manners such as by having a single data structure split into multiple data structures or by having multiple data structures consolidated into a single data structure (¶ [0031, 0036, 0077,

0101, 0116, 0140, 0147 data structure or tables in which data are stored....data structure for association applets....various tables included in the database are logically organized into data tables, interface tables, repository tables, etc....some or all of the system components or data structures may also be stored on a computer-readable medium, such as a hard disk, a memory, a network, or a portable article to be read by an appropriate drive...the routine creates a list of learning activity recommendations...competencies are shown for the selected work position type with each entry providing information about the position of that competency in the defined competency hierarchy as well as a corresponding criticality of the competency for the work position type; see also, claim 1: managing a plurality of career paths for employees]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data structure as taught by Habichler to include a list of employee positions elements in order to ensure that all employee elements would be listed and it would be beneficial to track a variety of information for individuals such as members of organizations, and to use such information to provide various benefits to the individuals and/or organizations.

As per claim 14, Habichler further discloses wherein each of the plurality of employee position elements includes one or more elements selected from a group comprising:

a position identifier (¶ [0026-0027 target competencies for members of an organization are identified based on information specified by appropriate other members

of the organization...organization member can specify a starting position type and a target future position type...facility can identify other position types to consider]);

a position base data element (¶ [0114 employees can interact with the learning activity scheduler component to identify, schedule and participate in available learning activities from a learning activity server computers]);

a position related division element (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")])

a position related organization element (¶ [0002 business organizations will typically track payroll-related information about employees (e.g., their salaries and Social Security Numbers), and may also track other work-related information for at least some employees (e.g., their current work positions and various biographical information such as accomplishments and degrees); see also, ¶ [0075 organization may have a variety of work position types]);

a related parent position element (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the

work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")]); and

a position custom data element (¶ [0076 interactive controls allow the user to add new work position types or to edit existing ones]).

As per claim 15, Habichler further discloses wherein the position base data element includes one or more elements selected from a group comprising:

a position description element (¶ [0131 various details about one or more work position types along the career path (e.g., a job description, a salary range, a comparison to actual or example employees that are currently in that work position type, etc.); identifying additional work position types that are not along the determined career path but in which the employee may have an interest (e.g., based on current or planned competencies of the employee qualifying them for those work positions) etc.]); and

a position name element (¶ [0131 various details about one or more work position types along the career path (e.g., a job description, a salary range, a comparison to actual or example employees that are currently in that work position type, etc.); identifying additional work position types that are not along the determined career path but in which the employee may have an interest (e.g., based on current or planned competencies of the employee qualifying them for those work positions) etc.]).

As per claim 16, Habichler further discloses wherein the position related division element includes a position related division identifier (¶ [0027, 0073, 0076, 0095, 0143-0144 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used

for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")…the organization has the unique identifier with work position being of a defined work position type to the organization]).

As per claim 17, Habichler further discloses wherein the position related organization element includes a position related organization identifier (¶ [0027, 0073, 0076, 0095, 0143-0144 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer").....the organization has the unique identifier with work position being of a defined work position type to the organization]).

As per claim 18, Habichler further discloses wherein the related parent position element includes a related parent position identifier (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")]).

As per claim 19, Habichler does not explicitly discloses a data structure for managing employee data, the data structure comprising a list of employee positions element for defining a hierarchy of data elements, wherein the hierarchy of data elements includes a plurality of employee position elements, which include other elements.

Habichler discloses a data structure may be structured in different manners such as by having a single data structure split into multiple data structures or by having multiple data structures consolidated into a single data structure (¶ [0031, 0036, 0101, 0116, 0147 data structure or tables in which data are stored....data structure for association applets....various tables included in the database are logically organized into data tables, interface tables, repository tables, etc....some or all of the system components or data structures may also be stored (e.g., as instructions or structured data) on a computer-readable medium, such as a hard disk, a memory, a network, or a portable article to be read by an appropriate drive]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data structure as taught by Habichler to include a list of employee positions elements in order to ensure that all employee elements would be listed and it would be beneficial to track a variety of information for individuals such as members of organizations, and to use such information to provide various benefits to the individuals and/or organizations.

As per claim 20, Habichler further discloses wherein each of the plurality of employee position elements includes one or more elements selected from a group comprising:

a position identifier (¶ [0026-0027 target competencies for members of an organization are identified based on information specified by appropriate other members of the organization…organization member can specify a starting position type and a target future position type...facility can identify other position types to consider]);

a position base data element (¶ [0114 employees can interact with the learning activity scheduler component to identify, schedule and participate in available learning activities from a learning activity server computers]);

a position related division element (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")]);

a position related organization element (¶ [0002 business organizations will typically track payroll-related information about employees (e.g., their salaries and Social Security Numbers), and may also track other work-related information for at least some employees (e.g., their current work positions and various biographical information such as accomplishments and degrees); see also, ¶ [0075organization may have a variety of work position types]);

a related parent position element (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")]); and

a position custom data element (¶ [0076 interactive controls allow the user to add new work position types or to edit existing ones]).

As per claim 21, Habichler further discloses wherein the position base data element includes one or more elements selected from a group comprising.

a position description element (¶ [0131 various details about one or more work position types along the career path (e.g., a job description, a salary range, a comparison to actual or example employees that are currently in that work position type, etc.); identifying additional work position types that are not along the determined career path but in which the employee may have an interest (e.g., based on current or planned competencies of the employee qualifying them for those work positions); etc.]); and

a position name element (¶ [0131 various details about one or more work position types along the career path (e.g., a job description, a salary range, a comparison to actual or example employees that are currently in that work position type, etc.); identifying additional work position types that are not along the determined career path but in which the employee may have an interest (e.g., based on current or planned competencies of the employee qualifying them for those work positions); etc.]).

As per claim 22, Habichler further discloses wherein the position related division element includes a position related division identifier (¶ [0027, 0073, 0076, 0095, 0143-0144 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")…the organization has the unique identifier with work position being of a defined work position type to the organization]).

As per claim 23, Habichler further discloses wherein the position related organization element includes a position related organization identifier (¶ [0027, 0073, 0076, 0095, 0143-0144 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")…..the organization has the unique identifier with work position being of a defined work position type to the organization]).

As per claim 24, Habichler further discloses wherein the related parent position element includes a related parent position identifier (¶ [0076, 0095 the illustrated embodiment includes information about a position of the work position type in a corresponding hierarchy of work position types such as may be used for inheritance or

sharing of associated competency information (e.g., some of the associated competencies for the work position type of "Senior Software Engineer--ABC Division" may be inherited from its parent work position type of "Senior Software Engineer")]).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Haq et al. (US 6,275,812) Intelligence system for dynamic resource management.
- Kurzius et al. (US 6,385,620 B1) System and method for the management of candidate recruiting information.
- Hunter et al. (US 2002/0040313 A1) System and method of real time deployment.

- Brady et al. (US 6,463,430 B1) Devices and methods for generating and managing a database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BRADLEY BAYAT can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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